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11 Attorneys for SPENCER ROCK PRODUCTS, INC. and
12 ROBERT A. LAPORE

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

15 UNITED STATES OF AMERICA for the)
16 use of NORTH STAR TERMINAL &)
17 STEVEDORE COMPANY, d/b/a Northern)
18 Stevedoring & Handling, and NORTH)
19 STAR TERMINAL & STEVEDORE)
20 COMPANY, d/b/a Northern Stevedoring &)
21 Handling, on its own behalf,)

22 Plaintiffs,)

23 and)

24 UNITED STATES OF AMERICA for the)
25 use of SHORESIDE PETROLEUM, INC.,)
26 d/b/a Marathon Fuel Services, and)
27 SHORESIDE PETROLEUM, INC., d/b/a)
28 Marathon Fuel Services, on its own behalf,)

Intervening Plaintiffs)

and)

METCO, INC.)

Intervening Plaintiff,)

vs.)

26 NUGGET CONSTRUCTION, INC.;)
27 SPENCER ROCK PRODUCTS, INC.;)
28 UNITED STATES FIDELITY AND)
GUARANTY COMPANY; and ROBERT)
A. LAPORE,)

Defendants.)

CASE NO.: A98-009 CIV (HRH)

**MOTION FOR AN ORDER
ALLOWING LEAD COUNSEL FOR
SPENCER ROCK PRODUCTS, INC.,
AND ROBERT LAPORE, AND THEIR
CLIENT REPRESENTATIVE, TO
APPEAR BY TELEPHONE**

1 With reference to the Court's order for a Status Hearing on June 16, 2006, at 10 a.m. in
2 Courtroom 1, to be attended in person by lead counsel for each party, I request that the Court allow
3 me to appear by telephone.

4 I am lead counsel for Spencer Rock Products, Inc., and Robert Lapore. My office is located
5 in Granite Bay (near Sacramento), California. Local counsel is Paul Stockler.

6 Though Spencer Rock Products, Inc., and Robert Lapore are defendants in this case, from
7 a practical perspective they have been relatively inactive in this case, and will remain so until trial.
8 Spencer Rock Products, Inc., though directly involved in the circumstances that gave rise to this
9 lawsuit, is now a defunct corporation with no assets, and has been so for many years. Robert Lapore,
10 the former president of Spencer Rock, is now retired and living on his pension. Because Spencer
11 Rock and Mr. Lapore have little to offer to satisfy any judgment of the magnitude sought in this case,
12 Nugget Construction, Inc, and its Miller Act bond surety USF&G are the key defendants at this
13 point.

14 Because my clients are relatively inactive in this case, I will have little input at the Status
15 Hearing. I do not plan to conduct any discovery, file any motions, or offer anything in settlement.
16 I believe that any input I have, or information I receive, and instructions from the Court during the
17 Status Hearing, can be transmitted effectively by telephone.

18 The cost to my client to have me travel to Alaska and make an appearance at the Status
19 Hearing will be several thousand dollars, which he can ill afford. Therefore, I request that the Court
20 allow me to appear by telephone.

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MOTION FOR AN ORDER ALLOWING LEAD COUNSEL AND CLIENT TO APPEAR BY TELEPHONE

1 Noting that the Court also requires that a representative of each client must contact the case
2 manager Patty Demeter to appear telephonically, I request that the Court also allow Mr. Lapore to
3 appear telephonically.

4 I have asked counsel for each party whether they oppose this motion. All assure me they do
5 not.

6 Respectfully submitted this 30th day of May, 2006.

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8 s/ C. Patrick Stoll
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12 CERTIFICATE OF SERVICE

13 I hereby certify that on May 30, 2006, a copy of the foregoing
14 Motion for an Order Allowing Lead Counsel for Spencer Rock
Products, Inc., and Robert LaPore, and Their Client Representative,
15 to Appear by Telephone was served electronically on
Traeger Machetanz, Steven J. Shamburek, Paul Stockler,
16 Herbert A. Viergutz, Michael W. Sewright and Thomas Krider

17 s/ C. Patrick Stoll
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